

Sponsor: Hershel J. Anderson

ORDINANCE NO. 27-18

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF THE ALLEYS BETWEEN LOTS 17, 18, 19, 20, 24 AND 25 OF THE JAMESTOWN ADDITION OF THE CITY OF JACKSON.

WHEREAS, BF NLA, LLC, the owner of lots 17, 18, 19, 20, 24 and ²⁵~~24~~ of the Jamestown Addition to the City of Jackson, Ohio, being the sole owner of said lots, have petitioned that a portion of the alleys that are located between said lots, as shown on the plat attached hereto, be vacated as pursuant to the attached Exhibit A being the Petitions to Vacate, map and Ratifications and Waiver of Notice of adjacent landowners, legal descriptions and plat; and

WHEREAS, all notice requirements have been satisfied by the filing of the Waiver of all adjacent landowners as contained in Exhibit A; and

WHEREAS, the legislative authority of the City of Jackson has determined that vacating the portion of said alleys will not be detrimental to the general interest of the City or its residents; and

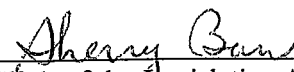
NOW THEREFORE BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE CITY OF JACKSON, THAT THE PORTION OF THE ALLEYS BETWEEN LOTS 17, 18, 19, 20, 24 AND 25 OF THE JAMESTOWN ADDITION OF THE CITY OF JACKSON, BE VACATED WITH OWNERSHIP OF SAID ALLEYS REVERTING TO THE ADJACENT LANDOWNER, BF NLA, LLC, AND THAT THE CITY RESERVES A PERMANENT EASEMENT FOR ANY AND ALL UTILITIES NOW LOCATED IN SAID ALLEYS, AS PROVIDED FOR BY OHIO REVISED CODE SECTION 723.041.

It is hereby found and determined that all formal actions of this Council concerning and relating to adoption of this ordinance were adopted in an open meeting of this Council and the deliberations of this Council and any of its committees that resulted in such formal action were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 9th day of July, 2018.


President of Council

ATTEST:


Clerk of the Legislative Authority

Approved this 9th day of July, 2018.


Mayor

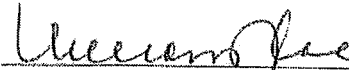
RATIFICATION AND WAIVER OF LEGAL NOTICE

RE: PETITION TO VACATE ALLEYS ABUTTING LOTS NUMBERED 17, 18, 19, 20, 24
AND 25 IN JAMESTOWN ADDITION TO THE CITY OF JACKSON, JACKSON COUNTY,
OHIO

Pursuant to Section 723.06 of the Ohio Revised Code, now comes all abutting property owners of the alleys that now abuts lots numbered 17, 18, 19, 20, 24 and 25 of Jamestown Addition to the City of Jackson, Ohio and they now state that the alleys are not being used by the general public and the undersigned consents to the approval of the vacation of the alleys as prayed for in the Petition to Vacate as filed by BF NLA, LLC.

Further, the undersigned waives notice by publication as permitted pursuant to Section 723.06 of the Ohio Revised Code.

BF NLA, LLC



By: William S. Cole

Its: Attorney

PETITION TO VACATE ALLEYS
IN THE CITY OF JACKSON
JACKSON COUNTY, OHIO

To the Council of the City of Jackson, Ohio:

The undersigned respectfully represents to the Council of the City of Jackson, Ohio that it is the owner of the whole of lots 17, 18, 19, 20, 24, and 25 in Jamestown Addition to the City of Jackson, Ohio as said lots are separated by three alleys. A copy of the legal description is attached hereto in Exhibit A, being the deed by which the undersigned own acquired title.

The undersigned respectfully petitions Jackson City Council to vacate the entire length and width of the alleys abutting the above-mentioned lots, as between lots extending from eastern edge of Lot 26 Street to Lot 20, from Broadway Street to the northern boundary of Lots 25 and 26 and from Broadway Street to the southern boundary of Lots 20 and 24. A copy of a plat map showing said lots is attached hereto as Exhibit B.

This petition is to be presented to Council for the City of Jackson for the reason that the proposed portion of the alleys to be vacated is no longer used as public alleys, and for the further reason that said alleys, as shown upon the plat, are not used by the general public.

In the event the aforesaid vacation of the alleys is granted, the undersigned acknowledges and agrees that the City shall have a permanent easement relating to any public utilities in the vacated alley as is provided by Section 723.04.1 of the Ohio Revised Code.

The undersigned certifies that it is the owner of the real estate abutting the portion of the alleys to be vacated by virtue of the deed, copy of which is attached hereto as Exhibit A, and as recorded in the Office of the Recorder of Jackson County, Ohio as follows: on July 7, 2017 in Official Record 125, Page 2052.

BF NLA, LLC



By: William S. Cole

Its: Attorney
Landowner

Instrument Book Page
201700002110 OR 125 2052

201700002110
Filed for Record in
JACKSON COUNTY, OHIO
ROSE WALTERS, RECORDER
07-07-2017 At 01:04 pm.
WARRANTY DEED 156.00
DR Book 125 Page 2052 - 2066

TRANSFERRED 16.00
TRANSFER FEE
CONVEYANCE EXAMINED
SEC. 319-202 R.C. COMPLIED WITH

JUL 07 2017
AMT. \$236,800.00
CLYDE R. HOLDREN
JACKSON COUNTY AUDITOR

201700002110
FIRST AMERICAN TITLE INSURANCE
1660 WEST 2ND STREET
SUITE 700
CLEVELAND OH 44113

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED is made and entered into this 27 day of June, 2017, by and between **STORE SPE JACKSON 2015-1 LLC**, a Delaware corporation ("Grantor"), whose address is 8377 E. Hartford Dr., Suite 100, Scottsdale, AZ 85255, and **BF NLA LLC**, a Delaware limited liability company ("Grantee"), whose address is 1114 Avenue of the Americas, New York, NY 10036;

WITNESSETH: That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt and sufficiency of all of which are hereby acknowledged, Grantor has bargained and sold and does hereby grant, bargain, sell, convey and confirm, with limited warranty covenants, unto Grantee all of Grantor's fee simple interest in and to the following described real estate, situated and being in the County of Jackson, State of Ohio, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Prior Instrument Reference: 201500001068, Book 109, Page 2084.

Grantee's Tax Mailing Address: 1114 Avenue of the Americas, New York, NY 10036

Tax Parcel Number: H14-007-00-008-02, H14-007-00-031-00, H14-007-00-013-00, H14-007-00-014-00, H14-007-00-012-00, H14-001-01-186-00, H14-007-00-011-00, H14-007-00-015-00, H14-007-00-007-00, ~~H14-007-00-009-01~~, H14-007-00-009-00, H14-007-00-008-00, H14-007-00-008-03, H14-007-00-010-00, H14-008-00-176-03, H14-008-00-061-00, H14-001-01-034-17, ~~H14-001-01-034-15~~, H14-001-01-034-06, ~~H14-001-01-034-05~~, ~~H14-001-01-030-04~~, ~~H14-001-01-030-10~~, ~~H14-001-01-030-02~~, ~~H14-001-01-034-03~~, ~~H14-007-00-009-02~~, H14-001-01-186-00 H14-008-00-041-00, H14-008-00-044-00, H14-008-00-045-00, H14-008-00-046-00, H14-008-00-040-00, H14-008-00-042-00, H14-008-00-043-00, H14-008-00-051-00, H14-008-00-050-00, H14-008-00-057-

00, H14-008-00-056-00, H14-008-00-053-00, H14-008-00-054-00, H14-008-00-052-00.

Address of Property: 100 E. Broadway St., 87 E. Broadway & 93 E. Broadway,
261 York Street, 255 York Street, 265 York Street, 229 York Street, 223 York Street, 115 E.
Broadway, 25 Broadway Street, 65 E. Broadway Street and 81 E. Broadway Street Jackson
County, Ohio

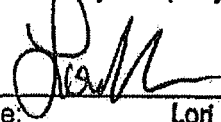
TO HAVE AND TO HOLD the aforesaid real estate, together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining, unto Grantee, its successors and assigns, in fee simple forever. Subject only to any applicable governmental regulations, all public streets and highways, zoning ordinances, all matters that would be revealed by an accurate survey or inspection of the Property, the lien of real estate taxes and assessments not yet due and payable, and any matters shown on Exhibit B, attached hereto (collectively, the "Permitted Encumbrances").

Grantor does hereby covenant with Grantee that it is lawfully seized in fee of the aforesaid real estate; that it has good right to sell and convey the same; that the same is unencumbered by matters arising by, through or under Grantor, subject to the Permitted Encumbrances; and that it will warrant and forever defend the title and quiet possession thereto against the lawful claims of all persons claiming the same by, through or under Grantor (excluding claims arising out of the Permitted Encumbrances), but not further or otherwise.

[Remainder of page intentionally blank. Signature(s) to follow.]

WITNESS the signature of the Grantor the day and year first above written.

STORE SPE JACKSON 2015-1 LLC, a Delaware
limited liability company

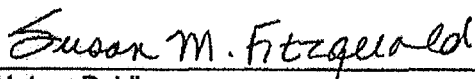
By: 
Name: Lori Markson
Title: Vice President
Closing Manager

STATE OF ARIZONA

COUNTY OF MARICOPA

On this date of June 20, 2017, before me personally appeared,
LORI MARKSON, as VP & Closing Mgr of STORE SPE
JACKSON 2015-1 LLC, a Delaware limited liability company, who proved to me upon satisfactory
evidence to be the person whose name is subscribed to the within instrument, and acknowledged
that he executed it on behalf of said company.

WITNESS my hand and official seal.


Notary Public

My Commission Expires: 5-9-19

NOTARY SEAL



This instrument prepared by:
Lauren E. Walker, Esq.
Kutak Rock LLP
1801 California Street, Suite 3000
Denver, CO 80202
Telephone Number: (303) 297-2400

Please return to:
First American Title Insurance Company
Attn: Kristin Brown
2425 E. Camelback Road, Suite 300
Phoenix, Arizona 85016

845773

EXHIBIT A

Legal Description

Situated in the City of Jackson, County of Jackson, State of Ohio, described as follows:

PARCEL ONE

Situated in the Township of Salt Lick, County of Jackson, State of Ohio, and being a part of Scioto Salt Reserve Lot 94 and Lot 95, Township 7 North, Range 18 West and being all of the premises (par. H140010103417 & Par. H140010103415) conveyed to Bellisio Foods, Inc. by General Warranty Deed dated December 21, 2007 and recorded in Volume 58, Page 317 of the Jackson County Official Records and (Tract One; Par. H140010103406) conveyed to Bellisio Foods, Inc. by Affidavit of Facts Relating to Title dated October 21, 2009 and recorded in Volume 71, Page 1520 of the Jackson County Official Records, and being more precisely described as follows:

Beginning at a 5/8" dia. iron pin (found bent) at the northwest corner of City of Jackson (Vol. 332, pg. 153; par. H140010103405), said iron pin bears S03°50'42"W, 884.13 feet and N20°33'34"W, 748.12 feet from the northwest corner Of SSR Lot 94;

Thence, along the west line of City of Jackson (Vol. 332, pg. 153; par. H140010103405 & par. H140010103904) S20°33'34"E, 1111.48 feet to an iron pin (set);

Thence, along a portion of the north line Of Jackson Grandview Builders, Inc. (O.R. Vol. 101, Pg. 811; Par. H140010103910) S69°26'40"W, 100.00 feet to a 5/8" dia. iron pin (found);

Thence, along two (2) lines of City of Jackson (Vol. 332, Pg. 146; Par. H140010103902 & Par. H140010103403);

N20°36'08"W, 209.84 feet to an iron pin (set),

S69°26'40"W, 350.00 feet to a 5/8" dia. iron pin (found bent);

Thence, along a line of said City of Jackson (Vol. 332, Pg. 146; Par. H140010103403) and then the eastern right-of-way line of John Wollum Drive, City Of Jackson (Vol. 332, pg. 149) N20°32'59"W, 901.64 feet to a 5/8" dia. iron pin (found);

Thence, along the southern right-of-way line of General Paul Tibbits Drive, City of Jackson (Vol. 332, Pg. 149) N69°26'40"E, 450.00 feet to the place of beginning.

Containing 9.798 acres.

9.217 acres being in SSR Lot 95.

0.581 acres being in SSR Lot 94.

Bearings are based upon Ohio State Plane Coordinates.

All iron pins set are 5/8" dia. x 30" length re-bar with I.D. cap stamped "PRITCHARD P.S. 6837".

The foregoing description was based upon a survey made March 17, 2015 by Ernest L. Pritchard, Ohio Registered Professional Surveyor #6837.

PARCEL TWO

The following described tract is being part of lots 20 and 21, all of lots 22, 23 and Outlot 16 in Jamestown Addition as recorded in Plat Book 1, at page 29; Part of Lot 9, 10 and 11 and part of a vacated alley in Commons Addition as recorded in Plat Book 1 at Page 39 and part of the former

DT&I railroad right-of-way. Township 7 North Range 18 West, Salt Lick Township, City of Jackson, Jackson County, Ohio. Being all of the Bellisio Foods, Inc. tract (three and four) as recorded in Official Record 71 at Page 1399 and all of tracts (nine and ten) as recorded in Official Record 71 at Page 1520. Being more accurately described as follows:

Beginning at an iron pin previously set at the southeasterly corner of lot 20 in Jamestown Addition, thence South 62° 47' 40" East, along the southerly line of lots 24 and 25 in Jamestown Addition, a distance of 161.08 feet to an iron pin previously set at the southeasterly corner Of Jamestown Addition lot 25;

Thence South 04° 23' 27" West, a distance of 65.09 feet to an iron pin previously set on the northerly line of Jamestown Lot 58;

Thence North 62° 47' 40" West, along the northerly line of Jamestown Lot 58, a distance of 23.03 feet to an iron pin previously set at the northeasterly corner of Jamestown Addition Outlot 16;

Thence South 44° 25' 03" West, along the southeasterly line of Jamestown Addition Outlot 16, a distance of 132.71 feet to an iron pin previously set at the southeasterly corner of Jamestown Addition Outlot 16 and on the northeasterly line Of Commons Addition Lot 11;

Thence South 45° 34' 57" East, along the northeasterly line of Commons Addition Lot 11, a distance of 20.28 feet to an iron pin previously set at the easterly corner of Commons Addition Lot 11;

Thence South 44° 25' 03" West, along the southeasterly line of Commons Addition Lot 11, a distance of 280.50 feet to an iron pin previously set at the southern most corner of Commons Addition Lot 11;

Thence North 45° 34' 57" West, along the southwesterly line of Commons Addition Lot 11, a distance of 120.78 feet to an iron pin previously set;

Thence along the westerly line of the tract of which this description is a part, the following four (4) courses;

North 13° 55' 06" West, a distance of 65.13 feet to an iron pin previously set;

North 08° 28' 37" West, a distance of 195.30 feet to an iron pin previously set;

North 00° 35' 51" West, a distance of 181.75 feet to an iron pin previously set;

North 04° 28' 45" East, a distance of 61.25 feet to an iron pin previously set on the southerly line of Jamestown Lot 23;

Thence North 62° 47' 40" West, along the southerly line of lot 23, a distance of 4.59 feet to an iron pin set at the westerly corner of lot 23 being on the southeasterly line of the platted location of Broadway Street (85.80' wide) as shown on the plat for the original town of Jackson recorded in Plat book 1, at Page 3;

Thence North 44° 25' 03" East, along the said southeasterly line of the platted location of Broadway Street, a distance of 182.51 feet to a mag nail set on the southerly line of Broadway Street;

Thence South 85° 43' 38" East, along the southerly line of Broadway Street and the north line of lots 22 and part of 21, a distance of 58.27 feet to a mag nail set at the northwesterly corner of the Bellisio Foods, Inc. tract as recorded in Official Record 106 at Page 2877;

Thence South 04° 23' 26" West, along the easterly line of said Bellisio Foods, Inc. tract, a distance of 75.00 feet to an iron pin set at the southwesterly corner of the Bellisio Foods, Inc. tract;

Thence South 85° 43' 38" East, along the southerly line of said Bellisio Foods, Inc. tract, a distance of 123.71 feet to an iron pin set on the east line of lot 20 and being the westerly line of a 16.5 foot wide alley;

Thence South 04° 23' 27" West, along the easterly line of lot 20 and the westerly line of a 16.5 foot wide alley, a distance of 191.05 feet to the point of beginning;

Containing 4.280 acres total,

0.803 acres being all of Auditor Parcel #H14-008-00-045-00,

0.190 acres being all of Auditor Parcel #H14-008-00-046-00,

0.652 acres being all of Auditor Parcel #H14-008-00-061-00 and

2.635 acres being all of Auditor Parcel #H14-008-00-176-03.

Also included with this tract is a six foot (60') wide ingress-egress easement (originally established in Official Record 30 at Page 1706). Beginning at an iron pin previously set at the northeastern most corner of the above described 4.280 acre tract at the southeast corner of Jamestown Lot #25;

Thence South 62° 47' 40" East, along the southerly line of Jamestown Lot 57, a distance of 161.08 feet to a point on the west line of Your Street (66' wide);

Thence South 04° 23' 27" West, along said west line of York Street (66' wide), a distance of 65.09 feet to the northeasterly corner of Jamestown Lot 58;

Thence North 62° 47' 40" West, along a northerly line of Jamestown Lot 58, a distance of 161.08 feet to an iron pin previously set on the easterly line of the Bellisio Foods, Inc. tract (tract 9) as recorded in Official Record 71 at Page 1520;

Thence North 04° 23' 27" East, along the easterly line of Bellisio Foods, Inc. tract, a distance of 65.09 feet to the point of beginning for this described 60' wide ingress/egress easement.

Being more particularly described and delineated on a 8 1/2 " by 14" plat (drawing #04037K04) attached hereto and made a part hereof. This description is valid only if the plat is attached and recorded with the description as a complete document in its original form and not retyped or altered in any way.

All iron pins set for this survey are 5/8" rebar (30" long) with id, cap set, stamped "Dana Exline 7060".

Bearings are rotated to the Ohio State Plane Coordinate System, South Zone NAD 83.

The above description was prepared from the actual field survey completed in March of 2015 by Dana A. Exline, Ohio Professional Surveyor #7060.

EXCEPTING FROM THE ABOVE DESCRIBED 4.280 ACRE TRACT THE FOLLOWING DESCRIBED TRACT

The following described tract being part of Lots #21, #22, and #23 in Jamestown Addition as recorded in Plat Book 1, at Page 29, City of Jackson, Jackson County, Ohio.

Beginning at the northeast corner of Lot #21 in Jamestown Addition, thence North 85°43'38" West, along the northerly line of Lot #21 in Jamestown Addition, a distance of 49.67 feet to an iron pin set at a easterly corner of a 0.045 acre tract of which this description is a part and on the northerly line of the Store SPE Jackson 2015-1, LLC: (parcel 9) tract as recorded in Official Record 109 at Page 2014, thence South 67°14'49" West, along the southerly line of the tract of which this

description is a part, a distance of 9.04 feet to an iron pin set on a westerly line of the said Store SPE Jackson 2015-1, LLC. (parcel 9) tract and being the TRUE POINT OF BEGINNING for the herein described tract;

Thence South 67°14'49" West, continuing along the southerly line of the 0.045 acre tract of which this description is a part, a distance of 121.60 feet to an iron pin set on the westerly line of Lot #23;

Thence North 44°25'03" East, along the northwesterly lines of Lot #23 & #22, a distance of 77.66 feet to a mag nail previously set on the north line of Lot #22 in Jamestown Addition; Thence South 85°43'38" East, along the north lines of Lots #21 and #22 in Jamestown Addition, a distance of 58.27 feet to a mag nail previously set at the northwest corner of Store SPE Jackson 2015-1, LLC. (parcel 9) tract;

Thence South 04°23'26" West, through the 0.045 acre tract of which this description is a part, a distance of 4.11' to the true point of beginning;

Containing 0.044 acres total, being

0.035 acres being part of Auditor Parcel #H 14-008-00-045-00 and

0.009 acres being part of Auditor Parcel #H 14-008-00-046-00.

Containing 4.236 total acres after exception.

PARCEL THREE

Situated in the City of Jackson, Township of Salt Lick, County of Jackson, State of Ohio, and being in Sections 20 and 29, Township 7 North, Range 18 West, and being a part of Outlots 2 and 3 of the Town of Jackson, and also being a part of S.S.R.L. 55 and 56, and being Tract Two (Par. H140070003100), Tract Three (Par. H140070001500), Tract Four (Par. H140070001200), Tract Five (Par. H140070001300 & H140070001400), Tract Six (Par. H140070000802), Tract Seven (Par. H140070001100), Tract Eight (Par. H140010118600) conveyed to Bellisio Foods, Inc. by Affidavit of Facts Relating to Title dated October 21, 2009 and recorded in Volume 71, Page 1520 of the Jackson County Official Records; and also being the premises (Pars. H140070000800, H140070000700, H140070000901, H140070001000, H140070000803, and H140070000900) conveyed to Bellisio Foods, Inc. by Governor's Deed dated 03/24/15 and recorded in Volume 109, Page 2080 of the Jackson County Official Records; and excepting Tract One (Par. H140010118600) and Tract 2 (Par. H140070003100) conveyed to the City of Jackson, Ohio by Limited Warranty Deed dated March 17, 2015 and recorded in Volume 109, Page 372 of the Jackson County Official Records, and being more precisely described as follows:

Beginning at a 1/2" dia. iron pin (found) PRITCHARD P.S. 6837 at the southwest corner of the City of Jackson (Vol. 307, Pg. 966), said iron pin bears N85°42'33"W, 193.60 feet from the southeast corner of S.S.R.L. 56;

Thence, along a portion of the south line of S.S.R.L. 56 N85°42'33"W, 690.46 feet to a 5/8" dia. iron pin (found);

Thence, along the west line of Apple Hill, Ltd. (Vol. 261, Pg. 479) S04°18'57"W, 527.46 feet to a 5/8" dia. iron pin (found) PRITCHARD P.S. 6837;

Thence, along the north right-of-way line of Broadway Street N85°41'39"W, 1046.88 feet to a 5/8" dia. iron pin (found) JOHNSON 6822;

Thence, along three (3) lines of Richard Whiteside (Vol. 306, Pg. 174):

N03°53'35"E, 117.46 feet to a 5/8" dia. iron pin (found) JOHNSON 6822,

4817-7369-0898.2

STORE/ Bellisio (iStar)

Limited Warranty Deed

100 E. Broadway St., Jackson, OH 45640

7210/02-338.1

N77°08'40"W, 16.98 feet to a point,
N85°44'45"W, 147.73 feet to a point;

Thence, along a portion of the east line of Jackson Grandview Builders, Inc. (O.R. 91, Pg. 1299) with a curve to the right, the radius of which is 1382.66 feet, the long chord of which bears N28°07'26"E, 446.18 feet, an arc distance of 448.14 feet a 5/8" dia. iron pin (found) JOHNSON 6822;

Thence, along a portion of the east line of the City of Jackson (P.N. H140070006902) with the following three (3) courses:

N85°42'44"W, 30.00 feet to a 5/8" dia. iron pin (found),

N37°41'41"E, 1081.62 feet to a 5/8" dia. iron pin (found) JOHNSON 6822,

N37°41'41"E, 427.30 feet to a point, said point bears N75°22'12"W, 54.34 feet from a 5/8" dia. iron pin (found) PRITCHARD 6837;

Thence, along a portion of the south line of the City of Jackson (Vol. 145, Pg. 403) S75°22'12"E, 936.91 feet to a 5/8" dia. iron pin (set);

Thence, along the west lines of the City of Jackson (O.R. 109, Pg. 372; Tract One & Tract 2) and then the west line of the City of Jackson (Vol. 307, Pg. 966) S04°16'49"W, 1092.35 feet to the place of beginning.

Containing 50.426 acres.

30.733 acres being in SSR Lot 56, 6.174 acres being in SSR Lot 55, 7.241 acres being in Outlot 2 and 6.278 acres being in Outlot 3.

And also being 12.433 acres in Par. H140070003100, 1.079 acres in Par. H140070001500, 0.710 acres in Par. H140070001200, 0.979 acres in Par. H140070001300, 1.264 acres in Par. H140070001400, 2.381 acres in Par. H140070000802, 0.173 acres in Par. H140070001100, 13.359 acres in Par. H140010118600, 11.808 acres in Par. H140070000800, 3.294 acres in Par. H140070000700, 0.202 acres in Par. H140070000901, 0.067 acres in Par. H140070001000, 1.493 acres in Par. H140070000803, and 1.184 acres in Par. H140070000900.

Bearings are based upon Ohio State Plane Coordinates.

All iron pins set are 5/8" dia. x 30" length rebar with I.D. cap stamped "PRITCHARD P.S. 6837".

The foregoing description was based upon a survey made March 17, 2015 by Ernest L. Pritchard, Ohio Registered Professional Surveyor #6837.

PARCEL FOUR

Being Lot Number Seventeen (17) in the Jamestown Addition to the City of Jackson, Ohio.

Parcel Numbers: H14-008-00-041-00

Property Address: East Broadway Street, Jackson

PARCEL FIVE

Situate in the City of Jackson, County of Jackson and State of Ohio: Being Lots Eighteen (18) and Nineteen (19) in the Jamestown Addition to the City of Jackson, Ohio.

Parcel Numbers: H14-008-00-042-00 & H14-008-00-043-00

Property Address: 87 E. Broadway & 93 E. Broadway, Jackson

PARCEL SIX

Situated in the State of Ohio, County of Jackson, and City of Jackson: Being the South Half of Lot Number Twenty Six (26) of the Jamestown Addition to the City of Jackson.

Parcel Number: H14-008-00-053-00

Property Address: 261 York Street, Jackson

PARCEL SEVEN

Situated in the County of Jackson, in the State of Ohio and in the City of Jackson: Lot Number Twenty Seven (27) in Jamestown Addition to the Town, now City, of Jackson, Ohio, as the same appears upon the recorded plat of said Addition in the Office of the Recorder of said County.

Parcel Number: H14-008-00-054-00

Property Address: 255 York Street, Jackson

PARCEL EIGHT

Situated in the State of Ohio, County of Jackson, and City of Jackson: Being the North Half of Lot Number Twenty Six (26) of the Jamestown Addition to the City of Jackson.

Parcel Number: H14-008-00-052-00

Property Address: 265 York Street, Jackson

PARCEL NINE

In Lot Fifty Eight (58) in Jamestown Addition to the Town, now City of Jackson in said County and State, except the stone coal underlying said premises with the right to mine and remove the same and being the same premises conveyed by Fred Baesman to August Deering by the name and style of August Deering, by deed dated October 11, 1883 and recorded in Book 18, Page 103 of Records of Deeds of Jackson County, Ohio, to which reference is here made for description and identity of premises intended to be conveyed.

Also, a small parcel of land off the west of rear ends of Lots Fifty Nine (59) and Sixty (60) in Jamestown Addition to the Town, now City of Jackson, commencing at the northeast corner of In Lot No. 59; thence west along the north line of said In lot 59, one hundred and fifteen (115) feet, being the place of beginning of the parcel intended to be described; thence south and parallel with York Street across said In Lot 59 and 60 to the south line of said Jamestown Addition, if said In Lot 60 extends as far west as said last course; thence in a northwesterly direction along said line of Jamestown Addition and the real line of said In Lots 60 and 59 to the southwest corner of said In Lot No. 59; thence north along rear end of said In Lot 59 to the northwest corner of said In Lot 59 and thence east along the north line of said In Lot 59 to the place of beginning, and said point 115 feet west of the northeast corner Of said In Lot 59 in said Jamestown Addition.

The foregoing description is on the hypothesis that York Street and the line along the front ends of said In Lot 59 and 60 in said Jamestown Addition run north and south.

Parcel Number: H14-008-00-056-00

Property Address: 229 York Street, Jackson

PARCEL TEN

Situated in the County Of Jackson, in the State Of Ohio, in the City of Jackson and bounded and described as follows: In Lots Fifty Nine (59) and Sixty (60) in Jamestown Addition to the City of Jackson, except that part of said lots heretofore sold to Cora B. Jones by deed dated May 16, 1921 as recorded in Volume 85, Page 127, Office of the Recorder of Jackson County, Ohio to which reference is here made.

Parcel Number: H14-008-00-057-00

Property Address: 223 York Street, Jackson

PARCEL ELEVEN

Situated in the City of Jackson, County of Jackson and State of Ohio: Lot Sixteen (16) in Jamestown Addition to the Town, now City of Jackson; except the stone coal underlying said premises with the right to mine and remove the same. The aforesaid lot being an In Lot to said Jamestown Addition.

Parcel Number: H14-008-00-040-00

Property Address: 115 E. Broadway, Jackson

PARCEL TWELVE

Being In Lot Twenty Five (25) in Jamestown Addition to the Village, now City of Jackson, except the stone coal underlying the same.

Parcel Number: H14-008-00-051-00

Property Address: 25 Broadway Street, Jackson

PARCEL THIRTEEN

Situate in the City of Jackson, County of Jackson and State of Ohio, to wit: Being a part of Lots Twenty Two (22), Twenty One (21) and Twenty (20) of the Jamestown Addition to the said City of Jackson, Ohio, as platted and recorded in Plat Book 1 at Page 29 of the Records Of Plats of Jackson County, Ohio, and being more particularly bounded and described as follows:

Beginning at an iron pin at the northeast corner of said Lot Twenty (20) of said Jamestown Addition; thence South 4° 07' West along the east line of Lot Twenty (20), the same being the west line of a 16.5 foot wide public alley, a distance of 75 feet to an iron pin; thence North 85° 53' West and parallel to the north line of said Lot Twenty (20), Twenty One (21) and a part of Lot Twenty Two (22), a distance of 123.7 feet to an iron pin; thence North 4° 07' East parallel to the east line of said Lot Twenty (20) a distance of 75 feet to a corner on the north line of said Lot Twenty Two (22) which corner is designated by a "X" cut in the concrete sidewalk; thence South 85° 53' East along the north lines of said Lots Twenty Two (22), Twenty One (21) and Twenty (20), the same being the south right of way line of East Broadway Street, a distance of 123.71 feet to the place of beginning.

Together with a perpetual easement and right of way for ingress and egress for use of grantee in common with the grantor herein, and their heirs, successors, assigns, agents, servants, tenants, visitors and licensees over and across the following described real estate, adjoining the real estate described above, to wit:

Beginning at the northwest corner of the real estate described above at the corner designated by an "X" cut in the concrete sidewalk, which corner is North 85° 53' West a distance Of 123.71 feet from the northeast corner of said Lot Twenty (20) in said Jamestown Addition; thence South 4°

07' West along the west side of the real estate described above a distance of 75 feet to an iron pin; thence North 85° 53' West a distance of 59.5 feet to a point in the west line of said Lot Twenty Three (23); thence North 42° 12' East a distance of 95 feet to the place of beginning.

Parcel Number: H14-008-00-044-00

Property Address: 65 E. Broadway Street, Jackson

PARCEL FOURTEEN

Situate in the City of Jackson, in the County of Jackson and State of Ohio, to wit: Being in Lot Number Twenty Four (24) in Jamestown Addition to the City of Jackson, Ohio save and except the stone coal underlying said premises with the right to mine and remove the same.

Parcel Number: H14-008-00-050-00

Property Address: 81 E. Broadway Street, Jackson

**EXHIBIT B
PERMITTED EXCEPTIONS**

1. Coal, oil, natural gas, or other mineral interests and all rights incident thereto now or previously conveyed, transferred, leased, excepted or reserved.
2. Real estate taxes or assessments imposed for the 2016 calendar year, and subsequent periods, which are liens not yet due or payable.

Affects Parcel 2 (224 East Broadway):

3. Easement and mineral exception contained in the deed filed for record March 22, 2005 as Jackson County Recorder's Document No. 200500047011, as approximately located as shown on Survey #1.

Affects Parcel 3 (115 East Broadway):

4. Mineral Exception contained in the deed filed for record in in OR Volume 58, Page 119 of Jackson County Records.

Affects Parcel 10 (25 East Broadway):

5. Mineral reservation contained in the deed filed for recorded February 13, 2006 as Jackson County Recorder's Document No. 200600000631.

Affects Parcel 11 (81 East Broadway):

6. Mineral reservation contained in the deed filed for recorded February 13, 2006 as Jackson County Recorder's Document No. 200600000630.

Affects Parcel 12 (Cemetery Road)

7. Right of Way from Ida M. Warnecke to The Hocking Power Company, dated February 17, 1926, filed for record October 29, 1929 and recorded in Volume 97, Page 143 of Jackson County Records.
8. Easement from Ida M. Warnecke to Columbus and Southern Ohio Electric Company, dated October 17, 1946, filed for record February 25, 1947 and recorded in Volume 132, Page 411 of Jackson County Records.
9. Right of Way from Ida M. Warnecke to The Ohio Fuel Gas Company, dated March 24, 1926, filed for record May 13, 1926 and recorded in Lease Volume 17, Page 285 of Jackson County Records.
10. Easement from Bertha M. Kleffner, et al, to Columbus and Southern Ohio Electric Company, dated January 23, 1952, filed for record April 10, 1953 and recorded in Volume 146, Page 568 of Jackson County Records.

11. Easement from Bertha M. Kleffner, et al, to Columbus and Southern Ohio Electric Company, dated March 28, 1954, filed for record April 9, 1954 and recorded in Volume 150, Page 310 of Jackson County Records.
12. Easement and Right of Way from City of Jackson to Columbus Southern Power Company, dated September 16, 2003, filed for record January 14, 2004 and recorded in Book 17, Page 1693 of Jackson County Records.

Affects Parcels 13, 14 and 15 (744 John Wollam Drive)

13. Easement from Raymond C. Grant and Hester M. Grant to Columbus and Southern Ohio Electric Company, dated December 1, 1965, filed for record January 22, 1966 and recorded in Volume 184, Page 957 of Jackson County Records.
14. Easement from Raymond C. Grant and Hester M. Grant to Columbus and Southern Ohio Electric Company, dated May 5, 1967, filed for record October 14, 1967 and recorded in Volume 190, Page 877 of Jackson County Records.
15. Easement from Don King Construction Company to Columbus and Southern Ohio Electric Company, dated January 4, 1971, filed for record July 21, 1971 and recorded in Volume 203, Page 261 of Jackson County Records.
16. Easement from Don King Construction Company to Columbus and Southern Ohio Electric Company, dated December 17, 1976, filed for record July 8, 1977 and recorded in Volume 227, Page 873 of Jackson County Records.
17. Right of Way and Easement from Don King Construction Company to Columbus and Southern Power Company, dated September 25, 1989 and recorded in Volume 274, Page 558 of Jackson County Records.

As to All Parcels:

18. Merger, filed for record September 22, 2008 and recorded in Book 63, Page 2345 of Jackson County Records.
19. Affidavit on Facts Relating to Title, filed for record September 22, 2008 and recorded in Book 63, Page 2348 of Jackson County Records.
20. Affidavit on Facts Relating to Title, filed for record September 22, 2008 and recorded in Book 71, Page 1399 of Jackson County Records.
21. Affidavit on Facts Relating to Title, filed for record September 22, 2008 and recorded in Book 71, Page 1520 of Jackson County Records.
22. Easement from Bellisio Foods, Inc. to City of Jackson, Ohio, dated September 6, 2010, filed for record October 19, 2010 and recorded in OR Book 78, Page 965 of Jackson County Records.

23. Lease by and between STORE SPE JACKSON 2015-1, LLC, Lessor, and Bellisio Foods, Inc., Lessee, dated April 16, 2015, as evidenced by a Memorandum of Lease filed for record April 17, 2015, in/as OR Book 109, Page 2096 of Jackson County Records.

As affected by [amendment to be recorded]

Defects, liens, encumbrances or other matters affecting the leasehold estate, whether or not shown by the public records are not shown herein.

The following matters affect Parcel 3:

24. Easement from Chun King Sales Inc. to Columbus and Southern Ohio Electric Company, dated January 11, 1965, filed for record February 18, 1965 and recorded in Volume 182, Page 143 of Jackson County Records.
25. Right of Way from R.J. Reynolds Foods, Inc. to Columbia Gas of Ohio, Inc., dated June 16, 1967, filed for record September 2, 1967 and recorded in Volume 190, Page 425 of Jackson County Records
26. Right of Way and Easement from Jackson Community Improvement Corp. to Columbia Southern Power Company, dated July 21, 1993, filed for record July 22, 1993 and recorded in Volume 289, Page 998 of Jackson County Records.
27. Easement and Right of Way from Luigino's Inc. to Columbus Southern Power Company, dated July 28, 1999, filed for record August 20, 1999 and recorded in Book 321, Page 419 of Jackson County Records.
28. Easement and Right of Way from Jackson Baptist Temple to Columbus Southern Power Company, dated October 22, 1996, filed for record January 27, 1996 and recorded in Volume 310, Page 110 of Jackson County Records.
29. Restriction from The Chun King Corporation to Donald A. Jones and Maxine B. Jones, filed for record October 1, 1966 and recorded in Volume 2, Page 499 of Jackson County Records.

Any facts, rights, interests or claims that may exist or arise by reason of the following matters disclosed by an ALTA/NSPS survey made by _____ on _____, designated Job Number _____:

Riparian rights.

